

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ABINGDON, VA  
FILED

MAR 19 2015

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

MICHAEL W. SULLIVAN, DAVID A. )  
SULLIVAN, THOMAS ROBINETTE, )  
JEREMY PENNINGTON, CLARK )  
STANTON AND JAMIE BARGER, )

Plaintiffs, )

v. )

NINE MILE MINING, INC., )

Defendant. )

Civil Action No. 2:13CV00040

**ORDER GRANTING FINAL APPROVAL OF SETTLEMENT**

On January 9, 2015, the parties filed a Joint Motion for Preliminary Approval of the Settlement and Approval of the Class Notice (ECF No. 87). On January 13, 2015, this Court granted preliminary approval of the settlement, pending a final hearing, and approved notice of the proposed settlement to the Class (ECF No. 89).

Counsel for the Class represents that they sent the approved Class Notice (ECF No. 88-2) to each Class Member. The Class Notice described the proposed settlement and provided detailed instructions to Class Members on the procedure for objecting to the settlement. No member of the Class made any objection to the proposed settlement.

On March 19, 2015, pursuant to proper notice, the Court held a final hearing on the proposed settlement and award of attorneys' fees to Class Counsel. No party objected to the proposed settlement or award of attorneys' fees to Class Counsel.

After due deliberation, the Court finds that based on the range of possible outcomes and the uncertainty associated with further litigation, the Settlement Agreement is fair, reasonable and adequate, and final approval of the Settlement Agreement is warranted.

THEREFORE, IT IS HEREBY ORDERED THAT:

- 1) The Joint Motion is GRANTED in all respects;
- 2) The Settlement Agreement is fair, reasonable and adequate and is APPROVED in all respects;
- 3) Nine Mile Mining, Inc., will make the payments described in Paragraph 3 of the Settlement Agreement within 30 days of the date of this Order in the manner described in Paragraph 3 of the Settlement Agreement;
- 4) The Court will retain jurisdiction with respect to all matters arising from or related to the implementation of this Order, as provided in the Settlement Agreement;
- 5) Promptly after Nine Mile Mining, Inc., makes the payments described in the Settlement Agreement, the parties' counsel shall submit an endorsed order dismissing this civil action with prejudice; and
- 6) This matter is continued on the Court's civil docket.

ENTER this 19th day of March, 2015

  
United States District Judge